

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MORRIS SPEIGHT-BEY,

Petitioner,

v.

**CIVIL ACTION NO.: 3:16-CV-79
(GROH)**

JENNIFER SAAD, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Seibert for submission of an R&R. Magistrate Judge Seibert issued his R&R [ECF No. 27] on February 1, 2017. In the R&R, he recommends that the Petitioner’s § 2241 Petition [ECF No. 1] be denied and dismissed with prejudice. For the reasons set forth below, the court **ADOPTS** Magistrate Judge Seibert’s R&R and **DENIES** and **DISMISSES** the Petitioner’s 28 U.S.C. § 2241 Petition **WITH PREJUDICE**.

Objections to Magistrate Judge Seibert’s R&R were due within fourteen days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). Service was accepted at the Gilmer Federal Correctional Institution in Glenville, West Virginia, on February 6, 2017, and the Petitioner timely filed arguments in opposition thereto. The Court is aware of the Petitioner’s *pro se* status. *Pro se* pleadings

are held to less stringent standards than those drafted by licensed attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). However, although the Court construes liberally the Petitioner's arguments in opposition to the R&R, it will not create objections where none exist.


Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, objections to a magistrate judge's R&R must be specific. See Orpiano v. Johnson, 687 F.2d 44, 48 (4th Cir. 1982); see also Parker v. Comm'r of Soc. Sec., No. 4:11cv00030, 2012 WL 1356593, at *3 (W. D. Va. Apr. 19, 2012). General objections or mere reiterations of arguments already presented to the magistrate judge "have the same effect as a failure to object," and thus do not warrant *de novo* review. Parker, 2012 WL 1356593, at *3 (internal quotations and citation omitted); see also United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003). The Court will review the portions of the R&R to which "general and conclusory" objections have been made for clear error. McGhee v. Colvin, 6:14-cv-02644-JMC, 2015 WL 5707866, at *1 (Sept. 25, 2015) (internal quotations and citation omitted). Here, all of the Petitioner's arguments are, in some form, reiterations of claims or factual scenarios already presented. Thus, in the absence of specific objections to the R&R, this Court is not required to provide an explanation for adopting the recommendation. See id. at *2.

Therefore, upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Seibert's Report and Recommendation [ECF No. 27] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the

Respondent's Motion to Dismiss [ECF No. 20] is **GRANTED**, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED AND DISMISSED WITH PREJUDICE** and the Petitioner's pending motion [ECF No. 26] is **DENIED AS MOOT**.

The Clerk is **DIRECTED** to strike this matter from the Court's active docket, enter a separate judgment in favor of the Respondent, and transmit a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: February 27, 2017


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE